

Mitchel T. Rice, No. 6022
Andrea M. Keysar, No. 12139
Marianne Schumann, No. 14781
MORGAN, MINNOCK, RICE & MINER, L.C.
Kearns Building, Eighth Floor
136 South Main Street
Salt Lake City, Utah 84101
Telephone No.: (801) 531-7888
Facsimile No.: (801) 531-9732
Email: mrice@mrm.com

Attorneys for Defendant Walmart Inc.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>SHERRI SHANA HALL, an individual,</p> <p>Plaintiff,</p> <p>vs.</p> <p>WALMART INC., a foreign corporation; DOES 1-10 whose true names are unknown; and ROE BUSINESS ENTITIES 1-10 whose true names are unknown,</p> <p>Defendants.</p>	<p>NOTICE OF REMOVAL</p> <p>Case No. 2:22-cv-00628-CMR</p> <p>Magistrate Judge Cecilia M. Romero</p>
---	---

NOTICE IS HEREBY GIVEN that Walmart Inc., Defendant in the above-entitled action, by and through its Counsel of record, hereby removes this action from the Fourth Judicial District Court, Utah County, State of Utah, to the United States District Court, District of Utah, Central Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and respectfully states as follows:

1. Plaintiff, Sherri Shana Hall, filed this civil action, case number 220401021, against Walmart Inc. in the Fourth Judicial District Court, Utah County, State of Utah, on or about July 6, 2022. (Complaint at 8, attached as Exhibit “A”).

2. Defendant, Walmart Inc., signed an Acceptance of Service and Waiver of Service of Process on September 2, 2022. (Acceptance of Service, attached as Exhibit “B”).
3. As more fully set forth below, this case is properly removed to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 because Defendant has (1) satisfied the procedural requirements for removal, and (2) this Court has subject matter jurisdiction over this action under 28 U.S.C. § 1332.
4. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Counsel for Plaintiff, and a copy is also being filed with the Clerk of the Court for the Fourth Judicial District Court.
5. With respect to diversity, the citizenship of the Parties is diverse in this action and is set forth below.
6. According to the Complaint, Plaintiff is and was at all relevant times a resident of Utah County, State of Utah. (Complaint ¶ 1, Exhibit “A”).
7. Defendant, Walmart Inc., is and was at the time of the commencement of this action a Delaware corporation with its principal place of business in Bentonville, Arkansas.
8. With respect to the amount in controversy, Plaintiff designated this action as “Tier Three” for purposes of Discovery under Utah Rule of Civil Procedure 26(c), demonstrating that Plaintiff is alleging damages in excess of \$300,000. (*Id.* ¶¶ 17, 24–25 and 33–34, Exhibit “A”).
9. With respect to the amount in controversy, Plaintiff has alleged permanent and disabling injuries, past medical care, lost wages, lost earning capacity, and general damages, as well as punitive damages. (*Id.*, Exhibit “A”).

10. Based on the foregoing, Plaintiff's alleged injuries and damages are sufficient to support a claim in excess of \$75,000, and thereby satisfy the requisite amount in controversy for removal of this case. *McPhail v. Deere & Comp.*, 529 F.3d 947, 956 (10th Cir. 2008) ("A complaint that presents a combination of facts and theories of recovery that may support a claim in excess of \$75,000 can support removal.").
11. Due to the complete diversity of the Parties to this action, and the amount in controversy in excess of \$75,000, this case meets the requirements for removal to Federal Court pursuant to 28 U.S.C. § 1332.
12. Venue is proper in the United States District Court, District of Utah, Central Division, because the lawsuit was filed in Utah County, State of Utah.

WHEREFORE, Defendant, Walmart Inc., respectfully removes this action from the Fourth Judicial District Court, Utah County, State of Utah, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and respectfully requests that this Court assume complete jurisdiction over this action and exclude any further proceedings in State Court.

DATED this 26th day of September, 2022,

MORGAN, MINNOCK, RICE & MINER, L.C.

/s/ Mitchel T. Rice
Mitchel T. Rice
Andrea M. Keysar
Marianne Schumann
Attorneys for Defendant Walmart Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of September, 2022, I caused a true and correct copy of the foregoing **NOTICE OF REMOVAL** to be electronically filed and served via electronic filing, and USPS first-class mail, postage pre-paid, to the following:

Travis J. Robertson travis@shumwayvan.com
SHUMWAY VAN
8 East Broadway, Ste. 550
Salt Lake City, Utah 84111
Attorneys for Plaintiff

And via the Court's electronic filing system to the following:

Fourth Judicial District Court – Provo District
137 N. Freedom Blvd, Suite 100
Provo, Utah 84601

/s/ Krystal Day
Krystal Day